

From: [Darman, Leslie](#)
To: [Wehling, Carrie](#)
Subject: RE: Petition re drinking water
Date: Wednesday, October 29, 2014 5:10:00 PM

Attorney Client 5

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Leslie Darman
U.S. Environmental Protection Agency
Office of General Counsel
Tel: 202-564-5452

From: Wehling, Carrie
Sent: Wednesday, October 29, 2014 3:13 PM
To: Darman, Leslie; Parikh, Pooja
Subject: FW: Petition re drinking water

Sorry, meant to cc both of you – email train below refers both to the California AE petition and the Wisconsin 1431 petition.....

Caroline (Carrie) Wehling
Office of General Counsel
Water Law Office -- SDWA team leader
Cross-Cutting Issues Law Office -- Administrative records and dockets
U.S. Environmental Protection Agency
Washington DC 20460
202-564-5492
wehling.carrie@epa.gov

From: Wehling, Carrie
Sent: Tuesday, October 28, 2014 3:28 PM
To: Green, Holly
Subject: RE: Petition re drinking water

Attorney Client 5

[Redacted]

Carrie

Caroline (Carrie) Wehling
Office of General Counsel
Water Law Office -- SDWA team leader
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202-564-5492
wehling.carrie@epa.gov

From: Green, Holly
Sent: Tuesday, October 28, 2014 3:25 PM
To: Wehling, Carrie
Subject: FW: Petition re drinking water

Hi Carrie,

Attorney Client 5

Thanks,
Holly

Holly Sage Green
Acting Chief, Prevention Branch
EPA Office of Ground Water and Drinking Water
1200 Pennsylvania Ave. NW, Washington, DC 20460
(202) 566-0651

From: Bergman, Ronald
Sent: Tuesday, October 28, 2014 2:49 PM
To: Green, Holly
Subject: FW: Petition re drinking water

Can you check with Carrie to see if we should do the same for the AE petition? It's possible that we will get questions from the Hill when they return.

From: Hyde, Tinka
Sent: Tuesday, October 28, 2014 2:39 PM
To: Grevatt, Peter; Kopocis, Ken

Cc: Lopez-Carbo, Maria; Bergman, Ronald; Poy, Thomas

Subject: RE: Petition re drinking water

Attorney Client 5

From: Grevatt, Peter

Sent: Thursday, October 23, 2014 8:58 PM

To: Kopocis, Ken

Cc: Hyde, Tinka; Lopez-Carbo, Maria; Bergman, Ronald

Subject: Re: Petition re drinking water

Thanks Ken. We got this today as well. My understanding is that the petition is in R5, but we'll confirm. In either case we'll coordinate with the Region and will make sure you have a chance to review before the response goes forward. Thx.

Sent from my iPhone

On Oct 23, 2014, at 5:20 PM, "Kopocis, Ken" <Kopocis.Ken@epa.gov> wrote:

Peter, see the story pasted in below.

I don't know whether the petition is in R5 or here at HQ. Please find out.

Regardless, I want to be briefed before any reply goes out from either source. Please advise R5.

Thanks,

Ken Kopocis
Office of Water
U.S. EPA
(202) 564-5700

> News Headline: Groups ask EPA to investigate pollution causes by

> cattle farms |

>

> Outlet Full Name: Milwaukee Journal Sentinel - Online News Text: Six

> environmental groups on Wednesday asked the U.S. Environmental Protection Agency to exercise emergency powers under the Safe Drinking Water Act to investigate groundwater contamination in cattle-intensive Kewaunee County in northeastern Wisconsin.

>

> In a petition to the federal agency, the groups say the Department of Natural Resources has failed to protect drinking water for county residents on two fronts: Through its powers to regulate groundwater and the agency's oversight of large-scale

cattle operations.

>

> The environmental groups estimate that the tens of thousands of cattle in the county produce the manure equivalent of more than 900,000 humans — or more than the City of Milwaukee.

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> As of June, nearly 31% of 149 wells tested this year in the county contained bacteria or nitrates — or both — that exceeded state and federal public health standards. In Lincoln Township, half the 38 wells that were tested exceeded the standard, according to the petition.

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> The well testing was conducted by the county land and water conservation department and was analyzed by the Center for Watershed Science and Education at the University of Wisconsin-Stevens Point.

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> "Everyone deserves safe, clean and reliable drinking water, but Kewaunee County residents gamble with their health simply by turning on the faucets in their homes," Elizabeth Wheeler, staff attorney with Clean Wisconsin, said in a statement. "We're seeking federal action to help create a long-term solution to what's unfortunately been a long-term problem for thousands of people in the area."

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> The petition has political overtones because it comes two weeks before the Nov. 4 election between Republican Gov. Scott Walker and Democrat Mary Burke, and environmental groups have complained about lax regulation under Walker.

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> The DNR was not immediately available for comment.

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> Kewaunee County has emerged as ground zero in a debate over sharp growth in dairying in pockets of Wisconsin and whether farmers can adequately protect the land and water from the growing tide of manure.

>

> Nutrient-rich manure has long served as a key source of fertilizer for farmland. But in documents filed with the EPA, the environmental groups contend the volume of animal waste generated by farms in Kewaunee County exceed the land's carrying capacity.

>

> Citing DNR figures, the groups said manure from dairy cows, calves, heifers and beef cattle produce 12.4 million pounds of nitrogen annually. But the groups said the 130,228 acres of harvestable acres was able to accommodate about 11.3 million pounds of nitrogen — or a surplus of some 1.2 million pounds.

>

> There are about 200 dairy farms in the county, including 15 large-scale farms known as concentrated animal feeding operations, or CAFOs. Farms qualifying as CAFOs have at least 700 milking and dry cows and come under DNR oversight, including a requirement that operators file detailed plans to spread manure.

>

> The number of cattle has grown in the county from 59,800 to 80,000 since 1983, the groups said. Kewaunee County is one of four counties in the state that have experienced an increase in dairy cows between 1983 and 2012.

>

> The growth of the dairying industry is taking place on land that has trouble sustaining so much manure, the groups said. The landscape of Kewaunee County consists of soil overlaying fractured carbonate bedrock, which makes it more difficult to prevent manure and water from soaking into the soil and slipping through cracks in the bedrock to reach groundwater.

>

> The groups asking help from the EPA are: Clean Wisconsin, Environmental Integrity Project, Midwest Environmental Advocates, Midwest Environmental Defense Center, Kewaunee CARES and the Clean Water Action Council of Northeast Wisconsin.

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